



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713


TELEPHONE
(213) 974-1838
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

ROBERT E. KALUNIAN
Acting County Counsel

May 7, 2009

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisor

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Franklin G. Silva, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 349 175

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Franklin G. Silva, et al. v. County of Los Angeles, Los Angeles Superior Court Case No. BC 349 175 in the amount of \$900,000, plus waiver of any known County bills from 2005, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from medical treatment received by an inmate while in the custody of the Sheriff's Department.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Franklin G. Silva, et al. v. County of Los Angeles
CASE NUMBER	BC 349175
COURT	Los Angeles Superior Court
DATE FILED	March 17, 2006
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$900,000, plus waiver of any known County hospital bill from 2005.
ATTORNEY FOR PLAINTIFF	Neil J. Fraser, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On March 7, 2005, Franklin Silva was placed in the custody of the Los Angeles County Sheriff's Department ("LASD"). To investigate the possibility of infection, on March 18, 2005, LASD personnel obtained a culture test from a skin lesion on Mr. Silva's right foot. The culture was sent to an outside laboratory.</p> <p>The culture test results (which identified the presence of infection), became available on March 20, 2005, and was processed by LASD medical staff on March 22, 2005. Mr. Silva was transferred to LAC+USC Medical Center where he received appropriate care for his infection.</p>

In spite of the treatments provided to Mr. Silva, the infection spread through his body causing injuries to his right foot and his right arm. As a result of his injuries, Mr. Silva had to undergo a surgical procedure where his right foot was amputated.

Mr. Silva filed a lawsuit for negligence and violation of civil rights against the County of Los Angeles. Mrs. Silva also brought an action for loss of consortium against the County. The plaintiffs contend that LASD personnel delayed the processing of the culture test results, which caused a delay in treatment of Mr. Silva's infection.

PAID ATTORNEY FEES, TO DATE

\$265,882.80

PAID COSTS, TO DATE

\$95,480.72

Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	03-18-05/ Date patient reported an open sore to his right great toe
Briefly provide a description of the incident/event:	A failure to review a positive laboratory culture in a timely manner resulted in a delay of treatment for necrotizing fasciitis infection. The infection resulted in an above-the-knee amputation to the patient's right leg. The amputation was performed on April 11, 2005, at Huntington Memorial Hospital.

1. Briefly describe the root cause of the claim/lawsuit:

Failure to adequately manage the inmate's infection.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

On September 8, 2006, the Methicillin Resistant Staphylococcus Aureus (MRSA) policy and procedure was updated. This revision indicates that presumptive antibiotic treatment for MRSA will be initiated for all patients with signs of skin infection.


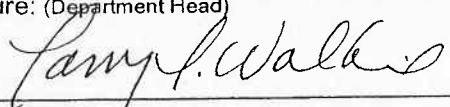
Established Interim Directive on April 3, 2008, for laboratory personnel to ensure timely delivery of reports.

In September 2008, additional Clinical Laboratory Scientists were added to Clinical Science Support Services (CSSS) to ensure timely validation, delivery, and review of reports.

A multi-year process was initiated to create an interface between the electronic medical record and the contract laboratory. On February 19, 2009, the interface was completed which allows the medical provider to review all laboratory reports electronically.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 3/23/09
Signature: (Department Head) 	Date: 3/23/09